

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

UNITED STATES OF AMERICA

v. CRIMINAL CASE NO. 4:05-cr-00045-GHD-DAS-1

NASIR ABDUL-ALI DEFENDANT

MEMORANDUM OPINION RULING ON ALL PENDING MOTIONS

Presently before the Court are the following motions filed by Defendant Nasir Abdul-Ali in the above cause: two motions for an order pursuant to ABA Rule 1.1.6(b) directing counsel to surrender papers related to criminal case [156 & 161], a motion for relief from Judgment and Order denying 28 U.S.C. § 2255 motion [164], a motion for recusal [165], a motion for financial disclosure statements [166], and a motion to support Rule 60(B) delay [167]. For the reasons that follow, the Court finds that all of the motions must be denied.

On March 23, 2005, an indictment [1] was entered against Abdul-Ali charging him with the following four counts: knowingly and intentionally possessing with intent to distribute a mixture and substance containing crack cocaine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A); distributing a mixture and substance containing crack cocaine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C); knowingly and intentionally possessing with intent to distribute a mixture and substance containing powdered cocaine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(C); and knowingly and intentionally possessing with intent to distribute a mixture and substance containing marijuana in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D). On July 5, 2005, a jury trial was held, and on July 13, 2005, a jury returned a verdict of guilty on all counts. On October 27, 2005, the Court entered Judgment [59] against Abdul-Ali, sentencing him to life imprisonment. Abdul-Ali appealed the conviction and sentence, and the Fifth Circuit

Court of Appeals affirmed this Court in all respects. Subsequently, Abdul-Ali filed a motion to vacate his sentence under 28 U.S.C. § 2255. After an evidentiary hearing, this Court denied the motion. This Court subsequently denied Abdul-Ali's certificate of appealability, finding that Abdul-Ali's conviction and sentence were not unconstitutional and that Abdul-Ali should not be entitled to proceed *in forma pauperis* because his appeal was not taken in good faith, was frivolous, and had no possibility of success. On appeal, the Fifth Circuit affirmed these rulings.

Abdul-Ali then filed another motion for new trial [143] in this Court which was denied; a motion to continue time for appeal and for reconsideration of that ruling [148] which was denied; another motion for certificate of appealability [150] which was denied; a notice of appeal [153] on the Court's denial of his motion for certificate of appealability; and another motion to appeal *in forma pauperis* [155] in this Court which was denied. The Fifth Circuit denied Abdul-Ali's appeal for want of prosecution, stating that he had failed to timely comply with certificate of appealability requirements. The Fifth Circuit also denied his request to proceed *in forma pauperis*.

Abdul-Ali then filed two motions for an order pursuant to ABA Rule 1.16(b) directing counsel to surrender papers related to criminal case [156 & 161]. This Court entered an Order [162] directing Abdul-Ali's counsel to respond to the motions. His counsel subsequently filed a response to the motions wherein he stated that he had forwarded all of his files relating to Abdul-Ali's appeal and § 2255 motion to him by mail, and that Abdul-Ali should contact counsel with any such future requests. Counsel also attached a copy of his receipt for the postage to mail Abdul-Ali's files. The Court finds that Abdul-Ali's counsel has complied with this request and therefore finds that Abdul-Ali's two motions for an order pursuant to ABA Rule 1.16(b)

directing counsel to surrender papers related to criminal case [156 & 161] should be DENIED as moot.

The Court finds that Abdul-Ali's motion for relief from Judgment and Order denying 28 U.S.C. § 2255 motion [164] is not well taken, as the same has been extensively litigated before the Court and Abdul-Ali has presented no new argument or evidence that would justify altering the Court's Order denying the § 2255 motion. Accordingly, the Court finds that Abdul-Ali's motion for relief from Judgment and Order denying 28 U.S.C. § 2255 motion [164] should be DENIED.

The Court further finds that Abdul-Ali's motion for recusal [165] and motion for financial disclosure statements [166] are baseless under the law and have no application to this case. The United States Courts' pay scale is public record and can be found at www.uscourts.gov. Accordingly, Abdul-Ali's motion for recusal [165] and motion for financial disclosure statements [166] should be DENIED.

Finally, the Court finds that Abdul-Ali's motion to support Rule 60(B) delay [167] should be DENIED as moot.

An order in accordance with this opinion shall issue this day.

THIS, the 19th day of May, 2015.



SENIOR U.S. DISTRICT JUDGE